

**BEFORE THE TENNESSEE REGULATORY AUTHORITY AT  
NASHVILLE, TENNESSEE**

**January 3, 2006**

<b>IN RE:</b>	)	
	)	
<b>JOINT PETITION OF CINERGY COMMUNICATIONS</b>	)	<b>DOCKET NO.</b>
<b>AND ACCESS INTEGRATED NETWORKS, INC. FOR</b>	)	<b>05-00269</b>
<b>EXPEDITED APPROVAL OF TRANSFER OF</b>	)	
<b>CUSTOMER BASE</b>	)	

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**ORDER APPROVING CUSTOMER NOTIFICATION LETTER**

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This matter came before Director Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 17, 2005 for consideration of the *Joint Petition of Access Integrated Networks, Inc., and Cinergy Communications for Expedited Approval of Transfer of Certain Customers* (the "*Joint Petition*") filed by Cinergy Communications Company ("Cinergy") and Access Integrated Networks, Inc. ("AIN" and together with Cinergy, the "Petitioners") requesting TRA approval, pursuant to TRA Rule 1220-4-2- 56, of a transfer of certain customers from Cinergy to AIN.

**The Joint Petition**

AIN is a Georgia corporation that provides local exchange and long distance services to business and residential customers in Tennessee and various other states. In Docket No. 99-00644, the TRA granted AIN a certificate of public convenience and necessity ("CCN"), to provide competing telecommunications services in Tennessee.

Cinergy is a Kentucky corporation providing local exchange and long distance services to customers in various states, including Tennessee. In Docket No. 01-00112, Cinergy<sup>1</sup> received a CCN to provide competing telecommunications services in Tennessee from the TRA.

On October 3, 2005, the Petitioners filed the *Joint Petition* seeking TRA approval of a transfer of certain customers from Cinergy to AIN. The proposed transaction will result in a fifteen percent (15%) increase in AIN's current Tennessee customer base. The *Joint Petition* states that Cinergy will continue to provide service to its remaining Tennessee customers after the transaction.

Along with the *Joint Petition*, the Petitioners submitted a customer notification letter for Authority approval.<sup>2</sup> The Petitioners represent that the customer notification letter will be sent to all affected customers at least thirty (30) days prior to the transfer. According to the *Joint Petition*, the notification letter will be sent using envelopes and letterhead bearing the Cinergy logo. Additionally, the *Joint Petition* states that for up to ninety (90) days from the date of the transfer, AIN will provide a thirty (30) day written notice to customers informing them of any rate increase that may affect their service.

According to the *Joint Petition*, the transfer will serve the public interest. The Petitioners assert that the transfer will improve operational efficiency which, in turn, will provide greater opportunities to improve the performance and price available to customers. The Petitioners maintain that the transaction will be made seamlessly to avoid disruption to customers. As such, the Petitioners assert there will be no interruption of service or change in rates. In addition, the *Joint Petition* certifies that upon the completion of the customer transfer, the Petitioners will resolve any customer questions that may result.

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<sup>1</sup> Cinergy was known as the Community Telephone Corporation at the time it received the CCN in Docket No. 01-00112

<sup>2</sup> *Joint Petition* (October 3, 2005) (Attachment 2)

### **The October 17, 2005 Authority Conference**


TRA Rule 1220-4-2-.56(2)(d) applies when a customer base is transferred between two or more telecommunications service providers. It provides that sufficient notice has been given to affected customers when the following criteria have been met:


2. A notification letter, pre-approved by the Authority, shall be mailed by the current provider of telecommunications service to its customers describing the customer transfer and explaining that unless the customer selects another telecommunications service provider, the customers' local or long distance service will be transferred to the acquiring telecommunications service provider by a date specified in the notification letter. The customer notification shall be mailed by U.S. First Class Postage, with the logo or name of the current provider displayed on both the letterhead and the exterior envelope, no less than thirty (30) days prior to the actual customer transfer. For good cause shown, the Authority may waive any requirement of this part or order any requirement thereof to be fulfilled by the acquiring provider. Good cause includes, among other things, evidence that the current provider is no longer providing service in Tennessee.
3. The acquiring telecommunications service provider agrees to pay any fees charged to the customer associated with changing service to the acquiring telecommunications service provider. The notification letter required in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.
4. The acquiring telecommunications service provider agrees to provide to the affected customers a thirty (30) day written notice of any rate increase that may affect their service up to ninety (90) days from the date of the transfer of customers. The notification letter mentioned in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.

At the regularly scheduled October 17, 2005 Authority Conference, the panel voted unanimously to approve the customer notification letter pursuant to TRA Rule 1220-4-2-.56. Additionally, the panel ordered the Petitioners to file with the TRA any documentation received from the Federal Communications Commission regarding the transfer.

**IT IS THEREFORE ORDERED THAT:**

1. The customer notification letter filed along with the *Joint Petition* is approved pursuant to TRA Rule 1220-4-2-.56(2)(d).
2. The Petitioners shall file with the Authority any documentation received from the Federal Communications Commission regarding the customer transfer.

  
Deborah Taylor Tate, Director

  
Pat Miller, Director

  
Sara Kyle, Director